

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 232

**SENATE BILL 1419**

AN ACT

AMENDING SECTION 32-501, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-516; AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO COSMETIC LASER AND INJECTION PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-501, Arizona Revised Statutes, is amended to  
3 read:

4 32-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Aesthetician" means a person who is licensed to practice skin care  
7 pursuant to this chapter.

8 2. "Aesthetics" means any one or a combination of the following  
9 practices if they are performed for cosmetic purposes:

10 (a) Massaging, cleansing, stimulating, manipulating, exercising,  
11 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
12 preparations, either by hand or by mechanical or electrical appliances.

13 (b) Arching eyebrows or tinting eyebrows and eyelashes.

14 (c) Removing superfluous hair by means other than electrolysis.

15 3. "Board" means the board of cosmetology.

16 4. "Cosmetic purposes" means for the purpose of beautifying,  
17 preserving or conferring comeliness, excluding therapeutic massage and  
18 manipulations.

19 5. "Cosmetologist" means a person licensed to practice cosmetology  
20 pursuant to this chapter.

21 6. "Cosmetology" means any one or a combination of the following  
22 practices if they are performed for cosmetic purposes:

23 (a) Cutting, clipping or trimming hair.

24 (b) Massaging, cleansing, stimulating, manipulating, exercising,  
25 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
26 preparations, either by hand or by mechanical or electrical appliances.

27 (c) Styling, arranging, dressing, curling, waving, permanent waving,  
28 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or  
29 similarly treating hair.

30 (d) Arching eyebrows or tinting eyebrows and eyelashes.

31 (e) Removing superfluous hair by means other than electrolysis.

32 (f) Nail technology.

33 7. "ELECTRICAL APPLIANCES" MEANS DEVICES THAT USE ELECTRICAL CURRENT  
34 AND INCLUDES LASERS AND IPL DEVICES AS DEFINED IN SECTION 32-516.

35 ~~7.~~ 8. "Instructor" means a person licensed to teach cosmetology,  
36 aesthetics or nail technology, or any combination thereof, pursuant to this  
37 chapter.

38 ~~8.~~ 9. "Nail technician" means a person licensed to practice nail  
39 technology pursuant to this chapter.

40 ~~9.~~ 10. "Nail technology" means:

41 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or  
42 otherwise treating a person's nails.

43 (b) Applying artificial nails.

44 (c) Massaging and cleaning a person's hands, arms, legs and feet.

1       ~~10-~~ 11. "Salon" means any of the following:

2       (a) An establishment operated for the purpose of engaging in the  
3 practice of cosmetology, aesthetics or nail technology, or any combination of  
4 the listed practices.

5       (b) An establishment together with a retrofitted motor vehicle for  
6 exclusive use as a mobile facility for the purpose of engaging in the  
7 practice of cosmetology, aesthetics or nail technology, or any combination of  
8 the listed practices that is operated and dispatched through the  
9 establishment.

10       (c) A retrofitted motor vehicle exclusively used as a mobile facility  
11 for the purpose of engaging in the practice of cosmetology, aesthetics or  
12 nail technology, or any combination of the listed practices that is operated  
13 and dispatched from a business that has a physical street address that is on  
14 file with the board.

15       ~~11-~~ 12. "School" means an establishment operated for the purpose of  
16 teaching cosmetology, aesthetics or nail technology, or any combination of  
17 the listed practices.

18       Sec. 2. Title 32, chapter 5, article 2, Arizona Revised Statutes, is  
19 amended by adding section 32-516, to read:

20       32-516. Aestheticians; cosmetic laser and IPL device use;  
21               definitions

22       A. AN AESTHETICIAN WHO WISHES TO PERFORM COSMETIC LASER PROCEDURES AND  
23 PROCEDURES USING IPL DEVICES MUST:

24       1. APPLY FOR AND RECEIVE A CERTIFICATE FROM THE AGENCY.

25       2. COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND AGENCY RULES.

26       3. SUCCESSFULLY COMPLETE FORTY HOURS OF DIDACTIC TRAINING AS REQUIRED  
27 BY AGENCY RULES AT AN AGENCY CERTIFIED TRAINING PROGRAM. THE PROGRAM SHALL  
28 PROVIDE A PROVISIONAL CERTIFICATE TO THE APPLICANT VERIFYING THE SUCCESSFUL  
29 COMPLETION OF THE DIDACTIC TRAINING.

30       4. FOR HAIR REMOVAL, COMPLETE HANDS-ON TRAINING THAT IS SUPERVISED BY  
31 A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF  
32 PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM OF ONE HUNDRED HOURS OF  
33 HANDS-ON EXPERIENCE PER PROCEDURE. THE HEALTH PROFESSIONAL OR LASER  
34 TECHNICIAN MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL  
35 HANDS ON USE OF LASERS OR IPL DEVICES. THE SUPERVISING HEALTH PROFESSIONAL  
36 OR LASER TECHNICIAN SHALL VERIFY THAT THE AESTHETICIAN HAS COMPLETED THE  
37 TRAINING AND SUPERVISION AS PRESCRIBED BY THIS SECTION.

38       5. FOR OTHER COSMETIC LASER AND IPL DEVICE PROCEDURES, COMPLETE A  
39 MINIMUM OF AN ADDITIONAL TWENTY-FOUR HOURS OF HANDS-ON TRAINING OF AT LEAST  
40 TEN COSMETIC PROCEDURES FOR EACH TYPE OF SPECIFIC PROCEDURE THAT IS  
41 SUPERVISED BY A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH  
42 PROFESSIONAL'S SCOPE OF PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM  
43 OF ONE HUNDRED HOURS OF HANDS-ON EXPERIENCE PER PROCEDURE. THE HEALTH  
44 PROFESSIONAL OR LASER TECHNICIAN MUST BE PRESENT IN THE ROOM DURING  
45 TWENTY-FOUR HOURS OF ACTUAL HANDS-ON USE OF LASERS OR IPL DEVICES. THE

1 SUPERVISING HEALTH PROFESSIONAL OR LASER TECHNICIAN SHALL VERIFY THAT THE  
2 AESTHETICIAN HAS COMPLETED THE TRAINING AND SUPERVISION AS PRESCRIBED BY THIS  
3 SECTION.

4 6. SUBMIT TO THE AGENCY THE PROVISIONAL CERTIFICATE FROM THE TRAINING  
5 PROGRAM AND CERTIFICATION BY THE HEALTH PROFESSIONAL OR LASER TECHNICIAN WHO  
6 DIRECTLY SUPERVISED THE APPLICANT IN THE ROOM DURING THE HANDS-ON TRAINING.

7 B. THE AGENCY SHALL ISSUE A LASER TECHNICIAN CERTIFICATE AUTHORIZING  
8 THE AESTHETICIAN TO USE LASERS AND IPL DEVICES IF THE APPLICANT HAS COMPLETED  
9 THE TRAINING FOR HAIR REMOVAL OR LASERS AND IPL DEVICES FOR OTHER COSMETIC  
10 PROCEDURES, AS APPLICABLE, AND SHALL MAINTAIN A CURRENT REGISTER OF THOSE  
11 LASER TECHNICIANS IN GOOD STANDING AND WHETHER CERTIFICATION IS FOR HAIR  
12 REMOVAL ONLY OR OTHER COSMETIC PROCEDURES AS WELL. THE AGENCY MAY ESTABLISH  
13 A FEE FOR THE REGISTRATION OF AESTHETICIANS AS LASER TECHNICIANS AND THE  
14 ISSUANCE OF CERTIFICATES PURSUANT TO THIS SUBSECTION. THE AGENCY SHALL  
15 DEPOSIT MONIES COLLECTED PURSUANT TO THIS SUBSECTION IN THE LASER SAFETY FUND  
16 ESTABLISHED BY SECTION 32-3234.

17 C. AN AESTHETICIAN WHO HAS BEEN CERTIFIED AS A LASER TECHNICIAN BY THE  
18 AGENCY MAY USE A LASER OR IPL DEVICE:

19 1. FOR HAIR REMOVAL UNDER THE INDIRECT SUPERVISION OF A HEALTH  
20 PROFESSIONAL WHOSE SCOPE OF PRACTICE PERMITS THE SUPERVISION.

21 2. FOR COSMETIC PURPOSES OTHER THAN HAIR REMOVAL IF THE AESTHETICIAN  
22 IS DIRECTLY SUPERVISED BY A HEALTH PROFESSIONAL WHOSE SCOPE OF PRACTICE  
23 PERMITS THE SUPERVISION AND THE AESTHETICIAN HAS BEEN CERTIFIED IN THOSE  
24 PROCEDURES.

25 D. THE BOARD SHALL INVESTIGATE ANY COMPLAINT FROM THE PUBLIC OR FROM  
26 ANOTHER BOARD OR AGENCY REGARDING A LICENSED AESTHETICIAN WHO PERFORMS  
27 COSMETIC LASER PROCEDURES OR PROCEDURES USING IPL DEVICES PURSUANT TO THIS  
28 SECTION. THE BOARD SHALL REPORT TO THE AGENCY ANY COMPLAINT IT RECEIVES  
29 ABOUT THE TRAINING OR PERFORMANCE OF AN AESTHETICIAN WHO IS CERTIFIED AS A  
30 LASER TECHNICIAN.

31 E. AN AESTHETICIAN WHO HAS BEEN USING LASER AND IPL DEVICES BEFORE THE  
32 EFFECTIVE DATE OF THIS SECTION MAY CONTINUE TO DO SO IF THE AESTHETICIAN  
33 APPLIES FOR AND RECEIVES A CERTIFICATE PURSUANT TO THIS SECTION WITHIN ONE  
34 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

35 F. FOR THE PURPOSES OF THIS SECTION:

36 1. "AGENCY" MEANS THE RADIATION REGULATORY AGENCY.

37 2. "DIRECTLY SUPERVISED" MEANS A HEALTH PROFESSIONAL WHO IS LICENSED  
38 IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE SUPERVISION SUPERVISES  
39 THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES WHILE THE HEALTH  
40 PROFESSIONAL IS PRESENT AT THE FACILITY WHERE AND WHEN THE DEVICE IS BEING  
41 USED.

42 3. "HEALTH PROFESSIONAL" MEANS A PERSON LICENSED PURSUANT TO CHAPTER  
43 13, 14, 15, 17 OR 25 OF THIS TITLE.

1        4. "INDIRECT SUPERVISION" MEANS SUPERVISION BY A HEALTH PROFESSIONAL  
2 WHO IS LICENSED IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE  
3 SUPERVISION AND WHO IS READILY ACCESSIBLE BY TELECOMMUNICATION.

4        5. "IPL DEVICE" MEANS AN INTENSE PULSE LIGHT CLASS II SURGICAL DEVICE  
5 CERTIFIED IN ACCORDANCE WITH THE STANDARDS OF THE AGENCY FOR COSMETIC  
6 PROCEDURES.

7        6. "LASER" MEANS ANY DEVICE THAT CAN PRODUCE OR AMPLIFY  
8 ELECTROMAGNETIC RADIATION WITH WAVELENGTHS IN THE RANGE OF ONE HUNDRED EIGHTY  
9 NANOMETERS TO ONE MILLIMETER PRIMARILY BY THE PROCESS OF CONTROLLED  
10 STIMULATED EMISSION AND CERTIFIED IN ACCORDANCE WITH THE STANDARDS FOR THE  
11 AGENCY FOR COSMETIC PROCEDURES.

12        7. "LASER TECHNICIAN" MEANS A PERSON WHO IS OR HAS BEEN CERTIFIED BY  
13 THE AGENCY PURSUANT TO ITS RULES AND CHAPTER 32, ARTICLE 2 OF THIS TITLE.

14        Sec. 3. Title 32, chapter 32, Arizona Revised Statutes, is amended by  
15 adding article 2, to read:

16        ARTICLE 2. COSMETIC LASER AND INJECTION PROCEDURES

17        32-3231. Definitions

18        IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

19        1. "ADMINISTER" MEANS THE DIRECT APPLICATION, DISPENSING OR FURNISHING  
20 A PRESCRIPTION MEDICATION OR A PRESCRIPTION-ONLY DEVICE, WHETHER BY INJECTION  
21 OR ANY OTHER MEANS, TO THE BODY OF A PATIENT BY A HEALTH PROFESSIONAL OR BY  
22 THE HEALTH PROFESSIONAL'S AUTHORIZED AGENT AT THE DIRECTION OF THE HEALTH  
23 PROFESSIONAL.

24        2. "AESTHETICIAN" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-501.

25        3. "AGENCY" MEANS THE RADIATION REGULATORY AGENCY.

26        4. "COSMETIC PURPOSE" MEANS FOR THE PURPOSE OF BEAUTIFYING, PRESERVING  
27 OR CONFERRING COMELINESS, EXCLUDING THERAPEUTIC MASSAGE AND MANIPULATIONS.

28        5. "DIRECTLY SUPERVISED" MEANS A HEALTH PROFESSIONAL WHO IS LICENSED  
29 IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE SUPERVISION, SUPERVISES  
30 THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES WHILE THE HEALTH  
31 PROFESSIONAL IS PRESENT AT THE FACILITY WHERE AND WHEN THE DEVICE IS BEING  
32 USED.

33        6. "INDIRECT SUPERVISION" MEANS SUPERVISION BY A HEALTH PROFESSIONAL  
34 WHO IS LICENSED IN THIS STATE AND WHOSE SCOPE OF PRACTICE ALLOWS THE  
35 SUPERVISION AND WHO IS READILY ACCESSIBLE BY TELECOMMUNICATION.

36        7. "IPL DEVICE" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-516

37        8. "LASER" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-516.

38        9. "LASER TECHNICIAN" MEANS A PERSON WHO IS OR HAS BEEN CERTIFIED BY  
39 THE AGENCY PURSUANT TO ITS RULES AND THIS ARTICLE.

40        10. "REGISTRANT" MEANS A PERSON OR ENTITY THAT OWNS OR OPERATES A  
41 LASER OR IPL DEVICE FOR WHICH THE APPLICATION FOR REGISTRATION IS ON FILE  
42 WITH THE AGENCY AND THAT IS IN COMPLIANCE WITH AGENCY RULES.

32-3232. Supervision

ONLY A HEALTH PROFESSIONAL, WHO HAS PRESCRIBING AUTHORITY AND WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF PRACTICE, MAY ADMINISTER OR SUPERVISE ANOTHER HEALTH PROFESSIONAL, WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF PRACTICE, IN THE ADMINISTRATION OF PRESCRIPTION MEDICATION OR A PRESCRIPTION-ONLY DEVICE FOR A COSMETIC PURPOSE PURSUANT TO THIS ARTICLE, WHETHER BY INJECTION OR ANY OTHER MEANS, TO A PATIENT.

32-3233. Lasers; IPL devices; authorized use; authorized supervision; civil liability

A. A HEALTH PROFESSIONAL MAY REGISTER, OPERATE AND USE A LASER OR IPL DEVICE REGISTERED WITH THE AGENCY OR ADMINISTER DRUGS OR DEVICES FOR COSMETIC PURPOSES TO THE EXTENT THE USE IS ALLOWED BY THE HEALTH PROFESSIONAL'S SCOPE OF PRACTICE AND THE HEALTH PROFESSIONAL HAS COMPLETED ANY TRAINING REQUIRED BY THE HEALTH PROFESSIONAL'S REGULATORY BOARD AND THE AGENCY.

B. A HEALTH PROFESSIONAL MAY SUPERVISE ANOTHER HEALTH PROFESSIONAL IN THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES TO THE EXTENT THE SUPERVISION IS ALLOWED OR REQUIRED BY THE SUPERVISING HEALTH PROFESSIONAL'S SCOPE OF PRACTICE AND THE SUPERVISING HEALTH PROFESSIONAL HAS COMPLETED ANY TRAINING REQUIRED BY THE SUPERVISING HEALTH PROFESSIONAL'S REGULATORY BOARD AND THE AGENCY.

C. THE HEALTH PROFESSIONAL'S REGULATORY BOARD SHALL INVESTIGATE ANY COMPLAINT FROM THE PUBLIC OR ANOTHER BOARD OR AGENCY INVOLVING THE TRAINING, EDUCATION, SUPERVISION OR USE OF A LASER OR IPL DEVICE. A HEALTH PROFESSIONAL SHALL REPORT TO THE AGENCY ANY COMPLAINT RECEIVED ABOUT THE TRAINING OR PERFORMANCE OF A LASER TECHNICIAN.

D. A HEALTH PROFESSIONAL MAY SUPERVISE A LASER TECHNICIAN IN THE USE OF A LASER OR IPL DEVICE FOR COSMETIC PURPOSES IF:

1. THE HEALTH PROFESSIONAL IS LICENSED PURSUANT TO CHAPTER 13, 14, 15, 17 OR 25 OF THIS TITLE AND THE SUPERVISION IS WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF PRACTICE.

2. THE SUPERVISION DOES NOT CONFLICT WITH THE REQUIREMENTS OF THIS ARTICLE.

3. THE LASER TECHNICIAN HAS BEEN CERTIFIED BY THE AGENCY TO USE A LASER OR IPL DEVICE FOR HAIR REMOVAL OR OTHER COSMETIC PROCEDURES.

E. A LASER TECHNICIAN WHO WISHES TO PERFORM COSMETIC LASER PROCEDURES AND PROCEDURES USING IPL DEVICES MUST:

1. SUCCESSFULLY COMPLETE FORTY HOURS OF DIDACTIC TRAINING AS REQUIRED BY AGENCY RULES AT AN AGENCY CERTIFIED TRAINING PROGRAM. THE PROGRAM SHALL PROVIDE A PROVISIONAL CERTIFICATE TO THE APPLICANT VERIFYING THE SUCCESSFUL COMPLETION OF THE DIDACTIC TRAINING.

2. FOR HAIR REMOVAL, COMPLETE HANDS-ON TRAINING THAT IS SUPERVISED BY A HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM OF ONE HUNDRED HOURS OF HANDS-ON EXPERIENCE PER PROCEDURE. THE HEALTH PROFESSIONAL OR LASER TECHNICIAN MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL

1 HANDS-ON USE OF LASERS OR IPL DEVICES. THE SUPERVISING HEALTH PROFESSIONAL  
2 OR SUPERVISING LASER TECHNICIAN SHALL VERIFY THAT THE LASER TECHNICIAN HAS  
3 COMPLETED THE TRAINING AND SUPERVISION AS PRESCRIBED BY THIS SECTION.

4 3. FOR OTHER COSMETIC LASER AND IPL DEVICE PROCEDURES, COMPLETE A  
5 MINIMUM OF AN ADDITIONAL TWENTY-FOUR HOURS OF HANDS-ON TRAINING OF AT LEAST  
6 TEN COSMETIC PROCEDURES FOR EACH TYPE OF PROCEDURE THAT IS SUPERVISED BY A  
7 HEALTH PROFESSIONAL WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S SCOPE OF  
8 PRACTICE OR BY A LASER TECHNICIAN WHO HAS A MINIMUM OF ONE HUNDRED HOURS OF  
9 HANDS-ON EXPERIENCE PER PROCEDURE. THE HEALTH PROFESSIONAL OR LASER  
10 TECHNICIAN MUST BE PRESENT IN THE ROOM DURING TWENTY-FOUR HOURS OF ACTUAL  
11 HANDS-ON USE OF LASERS OR IPL DEVICES. THE SUPERVISING HEALTH PROFESSIONAL  
12 OR SUPERVISING LASER TECHNICIAN SHALL VERIFY THAT THE LASER TECHNICIAN HAS  
13 COMPLETED THE TRAINING AND SUPERVISION AS PRESCRIBED BY THIS SECTION.

14 4. SUBMIT TO THE AGENCY THE PROVISIONAL CERTIFICATE FROM THE TRAINING  
15 PROGRAM AND CERTIFICATION BY THE HEALTH PROFESSIONAL OR LASER TECHNICIAN WHO  
16 DIRECTLY SUPERVISED THE APPLICANT IN THE ROOM DURING THE HANDS-ON TRAINING.

17 F. THE AGENCY SHALL ISSUE A LASER TECHNICIAN CERTIFICATE AUTHORIZING  
18 THE USE OF LASERS AND IPL DEVICES ONLY FOR HAIR REMOVAL IF THE APPLICANT  
19 MEETS THE APPLICABLE REQUIREMENTS OF SUBSECTION E, OR FOR HAIR REMOVAL AND  
20 OTHER COSMETIC PROCEDURES IF THE APPLICANT MEETS THE APPLICABLE REQUIREMENTS  
21 OF SUBSECTION E. THE AGENCY SHALL MAINTAIN A CURRENT REGISTER OF THOSE LASER  
22 TECHNICIANS IN GOOD STANDING AND WHETHER CERTIFICATION IS ONLY FOR HAIR  
23 REMOVAL OR FOR HAIR REMOVAL AND OTHER COSMETIC PROCEDURES. THE AGENCY MAY  
24 ESTABLISH A FEE FOR THE REGISTRATION OF LASER TECHNICIANS AND THE ISSUANCE OF  
25 CERTIFICATES PURSUANT TO THIS SUBSECTION.

26 G. A LASER TECHNICIAN WHO HAS BEEN USING LASER AND IPL DEVICES BEFORE  
27 THE EFFECTIVE DATE OF THIS SECTION MAY CONTINUE TO DO SO IF THE LASER  
28 TECHNICIAN APPLIES FOR AND RECEIVES A CERTIFICATE PURSUANT TO THIS SECTION  
29 WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

30 H. A LASER TECHNICIAN MAY USE A LASER OR IPL DEVICE IN THE FOLLOWING  
31 CIRCUMSTANCES:

32 1. FOR HAIR REMOVAL UNDER THE INDIRECT SUPERVISION OF A HEALTH  
33 PROFESSIONAL WHOSE SCOPE OF PRACTICE PERMITS THE SUPERVISION.

34 2. FOR COSMETIC PURPOSES OTHER THAN HAIR REMOVAL IF THE LASER  
35 TECHNICIAN IS DIRECTLY SUPERVISED BY A HEALTH PROFESSIONAL WHOSE SCOPE OF  
36 PRACTICE PERMITS THE SUPERVISION.

37 I. THE SUPERVISING HEALTH PROFESSIONAL, THE EMPLOYER OF A LASER  
38 TECHNICIAN AND THE REGISTRANT WHO OWNS OR OPERATES THE LASER OR IPL DEVICE  
39 ARE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE REGULATORY BOARD FOR  
40 ANY ERRORS MADE BY A LASER TECHNICIAN OR FOR THE USE OF A LASER OR IPL DEVICE  
41 NOT ALLOWED BY THIS ARTICLE. A PERSON WHO EMPLOYS A PERSON WHO OPERATES A  
42 LASER OR IPL DEVICE MUST REPORT ANY MISUSE OF A LASER OR IPL DEVICE TO THE  
43 OPERATOR'S REGULATORY BOARD AND TO THE AGENCY.

1 J. THE AGENCY SHALL INVESTIGATE ANY COMPLAINT FROM A MEMBER OF THE  
2 PUBLIC OR ANOTHER BOARD OR AGENCY INVOLVING THE TRAINING, EDUCATION, PRACTICE  
3 OR COMPLAINT OF HARM RESULTING FROM A LASER TECHNICIAN PERFORMING PROCEDURES  
4 FOR COSMETIC PURPOSES UNDER THIS ARTICLE AND SHALL TAKE APPROPRIATE  
5 DISCIPLINARY ACTION AS NECESSARY INCLUDING REVOCATION OF THE LASER  
6 TECHNICIAN'S CERTIFICATION OR REVOCATION OF A REGISTRANT'S OR EMPLOYER'S  
7 LICENSE TO OWN OR OPERATE A LASER OR IPL DEVICE.

8 32-3234. Laser safety fund

9 THE LASER SAFETY FUND IS ESTABLISHED CONSISTING OF FEES COLLECTED BY  
10 THE AGENCY PURSUANT TO SECTIONS 32-516 AND 32-3233. THE AGENCY SHALL  
11 ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

APPROVED BY THE GOVERNOR MAY 20, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2008.